**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION**

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| PETER F. WINGARD, | * | |
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| Plaintiff, | * | |
| | * | |
| v. | * | 1:14-CV-02334-ELR |
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| NORTH GEORGIA AUTO BROKERS, INC., | * | |
| | * | |
| Defendant. | * | |

**O R D E R**

This case involves an allegation of patent infringement by Plaintiff Peter Wingard against Defendant North Georgia Auto Brokers, Inc. In 1996, Wingard was issued U.S. Patent No. 5,530,431 ("the '431 patent") by the U.S. Patent and Trademark Office. (Doc. No. 1, ¶ 9) This patent pertains to an "Anti-Theft Device for Protecting Electronic Equipment" (Doc. No. 1-1), which Wingard claims is being infringed upon by Defendant. In its Motion to Dismiss (Doc. No. 6), North Georgia Auto Brokers noted that Wingard has filed multiple lawsuits of a similar nature. Upon further research, it appears that Wingard has claimed infringement of his patent against various car dealerships ("Defendant Dealers") in over 20 lawsuits in 11 different districts across the country. All of the suits initiated by

Wingard assert the same basic claim: the sale of vehicles that feature keyless ignition systems infringes, either directly or indirectly, upon the '431 patent, of which he is the lawful owner. At least 10 of these lawsuits were against Kia dealerships. In response to these allegations, Kia Motors Corporation ("Kia") has filed a suit for declaratory judgment, seeking a ruling that no Kia vehicles infringe upon the '431 patent.[1] All of the suits related to the '431 patent are at various stages of litigation, and this Court concludes that, in order to avoid inconsistent results and in the interest of judicial economy, it is appropriate to stay the instant case.

In the case before this Court, the parties have not yet begun discovery. Additionally, it is one of the later filed cases by Wingard. Wingard initially began filing cases in March of 2014, and this case is the 20th to be filed by him or on his behalf. North Georgia Auto Brokers has filed a Motion to Dismiss for failure to state a claim upon which relief may be granted (Doc. No. 6), which is pending as of the date of this Order. Curiously, Wingard has chosen only to sue individual dealers, rather than the manufacturers who are making the vehicles with keyless ignition systems. This has enabled him to employ a sort of piecemeal litigation strategy as he pursues his claims nationwide. Regardless, the parties would suffer little prejudice, if any, as a result of staying this case.

[1] It appears that American Honda Motor Co., Inc. ("Honda") has taken similar action in another case pending in this District, case number 1:14-cv-03522. As of the date of this Order, there is a pending Motion to Dismiss filed by Wingard, and discovery has not yet begun.

Importantly, Wingard's ability to sue for patent infringement of the '431 patent has been challenged in other districts, and for multiple reasons. In two cases pending in the Western District of Wisconsin, Defendant Dealers have asserted that Wingard lacks standing to enforce the patent based upon his failure to disclose ownership of the patent during his bankruptcy proceedings in 2010. Furthermore, Kia has filed a petition for *inter partes* review ("IPR") of four of the claims of the '431 patent which Wingard has asserted are being infringed upon in other cases. The IPR was filed on December 23, 2014. Resolution of either the question of standing or the outcome of the IPR may resolve all of Wingard's cases without the need for each case to progress individually. Thus, resolution of these issues could save the litigants and the courts immeasurable time and resources.

"It is well-established that a district court has the authority to stay proceedings on its own motion or on motion of the parties." See, e.g., Landis v. North Am. Water Works and Elec. Co., 299 U.S. 248, 254, 57 S.Ct. 163, 81 L.Ed. 153 (1936) (noting that federal courts have inherent authority to stay proceedings to conserve judicial resources and ensure that each matter is handled efficiently); Colorado River Water Conservation Dist. v. U. S., 424 U.S. 800, 817, 96 S. Ct. 1236, 1246, 47 L. Ed. 2d 483 (1976)("As between federal district courts, … though no precise rule has evolved, the general principle is to avoid duplicative litigation."); Government of the Virgin Islands v. Neadle, 861 F.Supp. 1054, 1055

(M.D.Fla.1994) ("a district court has discretion to stay an action which duplicates one pending in another federal district court."); Republic of Venezuela v. Philip Morris Cos., Inc., No. 99–0586–Civ, 1999 WL 33911677, *1 (S.D.Fla. April 28, 1999) (district court's discretion to stay its proceedings "is derived from and incidental to a court's inherent power to control the disposition of cases on its docket and ensure a 'fair and efficient' adjudication of matters").

For the reasons set forth above, this case is **STAYED** pending the outcome of the earlier of the resolution of the *inter partes* review or the issue of standing in the Wisconsin cases. While the Court does not wish to prejudice the parties, it is reluctant to allow this case to languish inactive for an extended period of time. It is therefore **ORDERED** that this action be **ADMINISTRATIVELY CLOSED**.[2] When the issue of standing has been resolved by the Wisconsin Court, or the IPR has been decided, the Court will reopen this case upon motion made by any party.

**SO ORDERED**, this 23rd day of February, 2015.

Eleanor L. Ross

Eleanor L. Ross
United States District Judge
Northern District of Georgia

[2] In administratively closing the case, the Court is conscious of its broad discretion in managing its own docket. See Chrysler Intern. Corp. v. Chemaly, 280 F.3d 1358, 1360 (11th Cir. 2002); Lomax v. Woodsman of the World Life Ins. Society, 228 F. Supp. 2d 1360, 1366, n. 7 (N.D. Ga. 2002) ("Administratively closing a case is a docket control device used by the court for statistical purposes and does not prejudice the rights of the parties to this litigation in any manner.").